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No. 82-65

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1982

MARGARET R. BROWN, JUDY KNIGHT, JANE MAXWELL, MARY SHENEFIELD, MIRIAM S. STRAUGHAN, SANDRA H. SHUPTRINE, OLIVE J. WHITE,

Appellants,

v.

THYRA THOMSON, as Secretary of the State of Wyoming, ED HERSCHLER, THYRA THOMSON, SHIRLEY WITTLER and JAMES B. GRIFFITH, as members of the State Canvassing Board, and ED HERSCHLER, as Governor of the State of Wyoming,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT, FOR THE DISTRICT OF WYOMING

APPELLANTS' BRIEF ON THE MERITS

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QUESTIONS PRESENTED

1. Has there been a prima facie violation of the equal protection clause of the United States Constitution?

A. Are Wyoming Statutes § 28-2-109(iii) and (c)(xiv) and Article 3, Section 3 of the Wyoming State Constitution unconstitutional?

B. Has there been an improper, illegal dilution of the voting privileges of the Appellants and other citizens and electors of Wyoming in violation of the 14th Amendment, Constitution and Statutes of the United States of America?

2. Are there legitimate considerations incident to the effectuation of a rational state policy justifying violation of the Amendments, Constitution and Statutes of the United States of America and the State of Wyoming?

PARTIES TO THE PROCEEDING

The Appellee-Intervenors, all residents of Niobrara County, Wyoming, have not been set forth in the caption of this case and are as follows: James L. Thompson, Gerald D. Bardo, Russell Thompson, Kenneth A. Gropp, Richard G. Pfister, Peter M. Hansen, Gertrude Chamberlain, Betty Percival, Mary L. Burke, Board of County Commissioners of the County of Niobrara, Kenneth R. Freeman, as a County Commissioner of the County of Niobrara and in his individual capacity, and Louis L. Lanckamer as a County Commissioner of the County of Niobrara and in his individual capacity.

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OPINIONS BELOW

The above-entitled case, *Brown v. Thomson,* is reported at 536 F. Supp. 780 (1982).

STATEMENT OF JURISDICTIONAL GROUNDS

This is a challenge to the constitutionality of the 1981 Apportionment Act of the Wyoming State Legislature which granted a representative to the Wyoming House of Representatives from Niobrara County, although that county's population would not otherwise entitle it to a representative.

Federal jurisdiction is based upon U.S.C. § 1343(3) and (4). A three-judge court was convened pursuant to 28 U.S.C. § 2281.

Appellate jurisdiction of this Court is based on 28 U.S.C. § 1253.

Appeal is taken from the Order of Dismissal with Prejudice entered by the United States District Court for the District of Wyoming on April 21, 1982. The Notice of Appeal was filed on May 12, 1982 in the United States District Court for the District of Wyoming.

CONSTITUTIONAL PROVISIONS, AMENDMENTS AND STATUTES

U.S. CONST. amend. XIV, § 1 provides:

> "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

WYO. CONST. art. 3, § 3 provides:

> "Each county shall constitute a senatorial and representative district; the senate and house of representatives shall be composed of members elected by the legal voters of the counties respectively, every two (2) years. They shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. Each county shall have at least one senator and one representative; but at no time shall the number of members of the house of representatives be less than twice nor greater than three times the number of members of the senate. The senate and house of representatives first elected in pursuance of this constitution shall consist of sixteen and thirty-three members respectively."

WYO. CONST. art. 3, § 27 provides:

> "The legislature shall not pass local or special laws in any of the following enumerated cases, that is to say: For granting divorces; laying out, opening, altering or working roads or highways; vacat-

ing roads, town plats, streets, alleys or public grounds; locating or changing county seats; regulating county or township affairs; incorporation of cities, towns or villages; or changing or amending the charters of any cities, towns or villages; regulating the practice in courts of justice; regulating the jurisdiction and duties of justices of the peace, police magistrates or constables; changing the rules of evidence in any trial or inquiry; providing for changes of venue in civil or criminal cases; declaring any person of age; for limitation of civil actions; giving effect to any informal or invalid deeds; summoning or impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election or designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; chartering or licensing ferries or bridges or toll roads; chartering banks, insurance companies and loan and trust companies; remitting fines, penalties or forfeitures; creating [,] increasing, or decreasing fees, percentages or allowances of public officers; changing the law of descent; granting to any corporation, association or individual, the right to lay down railroad tracks, or any special or exclusive privilege, immunity or franchise whatever, or amending existing charter for such purpose; for punishment of crimes, changing the names of persons or places; for the assessment or collection of taxes; affecting estates of decreased persons, minors or others under legal disabilities; extending the time for the collection of taxes; refunding money paid into the state treasury, relinquishing or extinguishing, in whole or part, the indebtedness, liabilities or obligation of any corporation or person to this state or to any municipal corporation therein; exempting property from taxation; restoring to citi-

zenship persons convicted of infamous crimes; authorizing the creation, extension or impairing of liens; creating offices or prescribing the powers or duties of officers in counties, cities, townships or school districts; or authorizing the adoption or legitimation of children. In all other cases where a general law can be made applicable no special law shall be enacted."

WYO. CONST., art. 3, § 48 provides:

"The legislature at the session next following the decennial enumeration of the inhabitants of the state made by the auhority of the United States, shall revise and adjust the apportionment for senators and representatives, on the basis of such enumeration according to ratios to be fixed by laws. (As amended by Laws 1965, House Joint Resolution No. 2, p. 520)."

WYO. STATUTES § 28-2-109 provides:

(a) The ratios for the apportionment of senators and representatives are fixed as follows:

(i) The ratio for the apportionment of senators is the smallest number of people per senator which when divided into the population in each senate district as shown by the official results of the 1980 federal decennial census with fractions rounded to the nearest whole number results in a senate with thirty (30) senators;

(ii) The ratio for the apportionment of the representatives is the smallest number of people per representative which when divided into the population in each representative district as shown by the official results of the 1980 federal decennial census with fractions rounded to the nearest whole number results in a house with sixty-three (63) representatives;

(iii) *If the number of representatives for any county is rounded to zero (0) under the formula in paragraph (a)(ii)*

of this section, that county shall be given one (1) representative which is in addition to the sixty-three (63) representatives provided by paragraph (1)(ii) of this section;

(iv) If the provisions of paragraph (a)(iii) of this section are found to be unconstitutional or have an unconstitutional result, then Niobrara county shall be joined to Goshen county in a single representative district and the house of representatives shall be apportioned as provided by paragraph (a)(ii) of this section.

(b) Representation in the state senate is hereby apportioned and divided among the several senatorial districts as follows:

(i) Albany county shall have two (2) senators;

(ii) Big Horn county shall have one (1) senator;

(iii) Campbell and Johnson counties combined shall have two senators;

(iv) Carbon county shall have one (1) senator;

(v) Converse county shall have one (1) senator;

(vi) Crook and Weston counties combined shall have one (1) senator;

(vii) Fremont county shall have two senators;

(viii) Goshen and Niobrara counties combined shall have one (1) senator;

(ix) Hot Springs and Washakie counties combined shall have one (1) senator;

(x) Laramie county shall have four (4) senators;

(xi) Lincoln county shall have one (1) senator;

(xii) Natrona county shall have four (4) senators;

(xiii) Park county shall have one (1) senator;

(xiv) Platte county shall have one (1) senator;

(xv) Sheridan county shall have two (2) senators;

(xvi) Sublette and Teton counties combined shall have one (1) senator;

(xvii) Sweetwater county shall have three (3) senators; and

(xviii) Uinta county shall have one (1) senator.

(c) Representation in the state house of representatives is hereby apportioned and divided among the several representative districts as follows:

(i) Albany county shall have four (4) representatives;
(ii) Big Horn county shall have two (2) representatives;
(iii) Campbell county shall have three (3) representatives;
(iv) Carbon county shall have three (3) representatives;
(v) Converse county shall have two (2) representatives;
(vi) Crook county shall have one (1) representative;
(vii) Fremont county shall have five (5) representatives;
(viii) Goshen county shall have two (2) representatives;
(ix) Hot Springs county shall have one (1) representative;
(x) Johnson county shall have one (1) representative;
(xi) Laramie county shall have nine (9) representatives;
(xii) Lincoln county shall have two (2) representatives;
(xiii) Natrona county shall have nine (9) representatives;
(xiv) Niobrara county shall have one (1) representative;
(xv) Park county shall have three (3) representatives;
(xvi) Platte county shall have two (2) representatives;
(xvii) Sheridan county shall have three (3) representatives;
(xviii) Sublette county shall have one (1) representative;
(xix) Sweetwater county shall have five (5) representatives;
(xx) Teton county shall have one (1) representative;
(xxi) Uinta county shall have two (2) representatives;
(xxii) Washakie county shall have one representative; and
(xxiii) Weston county shall have one (1) representative.
(Laws 1981, ch. 7, § 1) (emphasis supplied).

STATEMENT OF THE CASE

The 1981 Wyoming Legislative Apportionment scheme grants one sparsely populated county a representative in the state house although its population was insufficient to justify one representative.

From a holding by the three-judge District Court upholding the plan and Wyoming's constitutional provision mandating the county be given a representative, plaintiffs below appeal.

SUMMARY OF THE ARGUMENT

I. The Equal Protection Clause has been violated.

A. Wyoming Statutes § 28-2-109(iii) and (c)(xiv) and Article 3, Section 3 of the Wyoming Constitution are unconstitutional; and

B. There has been an improper, illegal dilution of the voting privileges of the Appellants and other citizens and electors of Wyoming in violation of the Fourteenth Amendment, Constitution and Statutes of the United States of America.

The 64 Plan and Article 3, Section 3 of the Wyoming State Constitution are unconstitutional because they give a county a representative solely because it is a political subdivision and without regard to population.

There has been an improper, illegal dilution of the voting privileges of Appellant and other citizens and electors of Wyoming since the 64 Plan has an overall relative range of 89%.

II. There are no overriding state policies justifying violation. There are no legitimate considerations incident to the effectuation of a rational state policy justifying violation of the Amendments, Constitution and Statutes of the United States of America and the State of Wyoming.

There are no overriding state policies justifying violation of the Equal Protection Clause, Constitution and Statutes of the United States of America and the State of Wyoming.

CASE BELOW

I.

FACTUAL BACKGROUND

The 1980 Federal Decennial Census reflected the population of the State of Wyoming had grown by 137,141 from 332,416 to 469,557 or, in other words, by 24%, while one of Wyoming's twenty-three counties, Niobrara, experienced no population growth. Niobrara county's population stabilized at 2,924 during the ten-year period from 1970 to 1980.

The Wyoming State Legislature, after review of the Federal Decennial Census as mandated by the Constitution enacted the 1981 Apportionment Law, awarded Niobrara County a representative even though, by application of statutory formula, the county should not have received a representative of its own. Wyo. Const. art. 3, § 48; W. S. § 28-2-109(a)(ii), (iii) and (c)(xiv) (1981).

Although the Wyoming State Constitution provides each county shall have at least one senator and one representative, an earlier three-judge panel held that to require each county be represented by at least one senator was a violation of the Equal Protection Clause. Wyo. Const. art. 3, § 3; *Schaefer v. Thomson*, 240 F.Supp. 247 (D. Wyo. 1964). The *Schaefer* Court further recognized the Equal Protection Clause requires both houses of a bicameral state legislature be apportioned substantially on a population basis. A county should not have its own representative unless the apportionment is based upon population and the county's population merits one or more representatives.

The Wyoming State Legislature recognized granting a representative to Niobrara County would probably be declared unconstitutional. Consequently, the legislature provided an alternative in the event its action was deemed unconstitutional: Niobrara County would be joined with Goshen

County in a single representative district and the total number of representatives would be decreased from 64 to 63. W. S. § 28-2-109(iv)(1981). In the meantime, Niobrara County was to have its "day in court" (Transcript, page 376, line 19 through page 377, line 13). Population was not a motivating factor in giving Niobrara County a representative.

By awarding Niobrara County a representative, the Wyoming House of Representatives became a 64-member body. This is hereinafter designated as the "64 Plan." W. S. § 28-2-109(iii) and (c)(xiv)(1981). The parties have stipulated the overall relative range or percentage deviation of the 64 Plan is 89% and the ratio is 3.25 to 1. (Exh. A314).

If Niobrara County is combined with Goshen County, the Wyoming House of Representatives is a 63-member body. This is designated as the "63 Plan." W. S. § 28-2-109(a)(iv)(1981). The parties have stipulated the overall relative range or percentage deviation of the 63 Plan is 66% and the ratio is 2.09 to 1. (Exh. A316). The difference, therefore, in giving Niobrara County one representative as opposed to combining Niobrara and Goshen Counties is measurable and results in a difference in overall relative range of 23% and a ratio of 1.16 to 1.

Appellants recognize the vulnerability of the 1981 Wyoming House of Representatives Apportionment, in total, although the only issue tried below involved the legislative grant of the one representative to Niobrara County. *Maryland Committee v. Tawes*, 377 U.S. 656, 12 L.Ed.2d 595, 84 S.Ct. 1442 (1963).

II.

RATIONALE

A prima facie equal protection violation under the Fourteenth Amendment occurs when the overall relative range is greater than 9.9%. *Connor v. Finch*, 431 U.S. 407 (97 S.Ct.

1828) (1977). The 64 Plan overall relative range was 89% and the 63 Plan overall relative range was 66%. Even the difference between the 64 Plan and the 63 Plan, an overall relative range of 23%, is greater than 9.9%.

In the District Court, the three-judge panel found the 64 Plan constitutional because a comparison of the 64 Plan with the 63 Plan was not statistically significant and not constitute invidious discrimination. The District Court concluded the integrity of the county political boundaries should remain intact because counties have historically acted as primary administrative agencies within the state.

ARGUMENT

I.

THE EQUAL PROTECTION CLAUSE HAS BEEN VIOLATED

1. ***Wyoming Statutes § 28-2-109(iii) and (c)(xiv) and Article 3, Section 3 of the Wyoming State Constitution are unconstitutional; and,***

2. ***There has been an improper, illegal dilution of the voting privileges of the Appellants and other citizens and electors of Wyoming in violation of the Fourteenth Amendment, Constitution and Statutes of the United States of America.***

The 64 Plan and Article 3, Section 3 of the Wyoming State Constitution are unconstitutional because they give a county a representative solely because it is a political subdivision, and without regard to population.

There are no overriding state policies which can justify the 89% overall relative range or 3.25 to 1 ratio of the 64 Plan. A voter in Niobrara County now has 3.25 times greater representation than his counterpart in Washakie County. An improper, illegal dilution of the voting privileges of the Appellants and other citizens and electors of Wyoming in violation of the Equal Protection Clause has occurred.

Appellants did not contend "invidious discrimination" was the guideline for determining the constitutionality of the

64 Plan but consistently maintained a violation of the Equal Protection Clause had occurred because of the greater weight given to votes in Niobrara County. *Complaint, Plaintiff's Pretrial Submission.* In fact, the issues presented below are identical to the ones before this Court.

The District Court found the individual vote dilution improvement ranged from 0.0003 for a voter in Teton County to 0.0023 for a voter in Laramie County if the 63 Plan were to be used in lieu of the 64 Plan. The District Court found this to be de minimis and, therefore, not invidious discrimination. Appellants know of no legal precedence for this analysis.

Rather than rely on the modern, overall relative range test, the District Court applied the test of measuring the minimum number of persons electing a majority number of representatives. Although this analysis was used in the 1960s, it has been abandoned in favor of the more accurate statistical measurement methods of vote dilution, such as, ratio and overall relative range. *Swann v. Adams,* 285 U.S. 440, 17 L.Ed.2d 501, 87 S.Ct. 569 (1967); *Kilgarlin v. Hill,* 386 U.S. 119, 17 L.Ed.2d 771, 87 S.Ct. 820 (1967); *Whitcomb v. Chavis,* 403 U.S. 124, 29 L.Ed.2d 363, 91 S.Ct. 1858 (1971); *Mahan v. Howell,* 410 U.S. 315, 35 L.Ed.2d 320, 93 S.Ct. 979 and 36 L.Ed.2d 316, 93 S.Ct. 1475 (1973); *Gaffney v. Cummings,* 412 U.S. 735, 37 L.Ed.2d 298, 93 S.Ct. 2321 (1973); *White v. Regester,* 412 U.S. 744, 37 L.Ed.2d 314, 93 S.Ct. 2332 (1973); *Chapman v. Meier,* 420 U.S. 1, 42 L.Ed.2d 766, 95 S.Ct. 751 (1975); *Connor v. Finch,* 431 U.S. 407, 52 L.Ed.2d 465, 97 S.Ct. 1828 (1976).

Since the overall relative range is nearly nine times greater than the prima facie plateau created in *Connor, supra,* one must conclude a prima facie case of an improper, illegal dilution of appellants' voting privileges in violation of the Equal Protection Clause was established. Unless there are legitimate considerations incident to the effectuation of a rational state policy which would justify the violation, the 64 Plan must fall. *Mahan v. Howell, supra.*

II.

THERE ARE NO OVERRIDING STATE POLICIES JUSTIFYING VIOLATION

There are no legitimate considerations incident to the effectuation of a rational Wyoming State Policy justifying violation of the Equal Protection Clause, Constitution and Statutes of the United States of America and the State of Wyoming.

There are no overriding state policies justifying violation of the Equal Protection Clause, Constitution and Statutes of the United States of America and the State of Wyoming.

In *Reynolds v. Sims*, the Court noted divergences from a strict population standard may be permissible to effectuate rational state policy. *Reynolds v. Sims*, 377 U.S. 533, 12 L.Ed.2d 506, 84 S.Ct. 1362 (1964).

The basic guidelines and standards of the *Reynolds* case are marked with flexibility. The Court reasoned that there may be room for deviation but only if the reapportionment plan is based substantially on population and an individual voter's rights are not diluted significantly. The overriding objective must be substantial equality among the various districts. Political subdistricts have no special status in the eyes of the Constitution.

The Supreme Court has stated that the maintenance of the integrity of political subdivisions, provision for compact districts of contiguous territory, and recognition of the natural or historical boundaries may be legitimate considerations which justify some deviation from a strict population standard. *Swann v. Adams, supra.*

To date, *Mahan v. Howell, supra,* is the only case where the Supreme Court found justification for upholding a plan having an overall relative range of more than 9.9%. The *Mahan* case involved an overall relative range of 16.4% compared to an overall relative range in the 64 Plan of 89%. The majority noted the Virginia General Assembly's authority to enact local legislation dealing with particular political subdivi-

sions was a significant and substantial aspect of the Virginia legislature's power. No similar legislative power exists in Wyoming. To the contrary, special and local laws are generally prohibited. Wyo. Const. art. 3, § 27.

The Supreme Court noted these other justifying factors:

1. The Apportionment Plan consistently avoided fragmentation of political subdivisions, and

2. Only minimum population deviations were produced while political boundaries were kept intact.

Although the 64 Plan may avoid fragmentation of political subdivisions, the Apportionment Plan is marked by great population deviations.

At trial, great reliance was placed upon Wyoming's vastness, sparse population, distance between communities and the attendant expense of communication and travel. Emphasis was placed upon Wyoming's history and tradition. All the same, area or homesite, occupation, geography, history and tradition, and economic and group interests are not relevant, rational policy considerations which justify deviation from a strict population principle:

> ". . . there is no indication in the Constitution that homesite or occupation affords a permissible basis for distinguishing between qualified voters in a state." *Reynolds v. Sims, supra,* p. 527.
>
> "The weight of a citizen's vote cannot be made to pend on where he lives." *Reynolds v. Sims, supra,* p. 530.
>
> ". . . but neither history alone, nor economic or other sorts of group interests are permissible factors in attempting to justify disparities from population based representation. Citizens, not history or economic interest, cast votes." *Reynolds v. Sims, supra,* p. 537.
>
> "Considerations of history and tradition . . . do not and . . . (can) not, provide a sufficient justification for the substantial deviation from population based

representation . . ." *Maryland Committee V. Tawes, supra,* p. 675.

". . . Considerations of area alone provide an insufficient justification for deviations of the Equal Protection Principle. Again, people not land or trees or pastures vote." *Reynolds v. Sims, supra,* p. 537-538.

"Geographical, historical, topographic and economic considerations fail to provide adequate justification for substantial disparities from population-based representation in the allocation of state . . . seats . . ." *Lucas v. Forty-fourth General Assembly of the State of Colorado,* 377 U.S. 713, 12 L.Ed.2d 632, 738, 84 S.Ct. 1472 (1964).

Nor has the Court accepted the justification that it is necessary to protect "insular minorities," or to accord recognition to a state's heterogeneous characteristics, *Lucas v. Forty-fourth General Assembly of the State of Colorado, supra,* p. 648.

Wyoming is a unique state, but no more nor no less unique than any other state. In fact, Wyoming is not so unlike its neighboring state of North Dakota.

In reviewing the North Dakota Court ordered apportionment plan of *Chapman v. Meier,* 420 U.S. 1, 42 L.Ed.2d 766, 95 S.Ct. 721 (1975), the Supreme Court specifically rejected the justifications now promoted by Appellees. Justifications of sparse population and the state's goal of observing geographical boundaries and existing political subdivisions were deemed insufficient. The Supreme Court further rejected justifications of an absence of electorally victimized minorities and the division of the state by a river.

The Supreme Court has admonished that in all instances:

"(P)ermitting deviations from population-based representation does not mean that each local governmental unit or political subdivision can be given separate representation, regardless of population.

Carried too far, a scheme of giving at least one seat in one house to each political subdivision (for example, to each county,) could easily result in the total subversion of the equal population principle in that legislative body. This could especially be true in a state where the number of counties is large and many of them sparsely populated and the number of seats in the legislative body does not significantly exceed the number of counties. Such a result would be unconstitutionally impermissible and careful judicial scrutiny must of course be given, in evaluating state apportionment schemes, to the character as well as the degree of deviations from a strict population basis. But if, even as a result of a clearly rational state policy of according to some legislative representation to political subdivision population is submerged as the *controlling* consideration in the apportionment of seats in the particular legislative body, then the right of all of the state's citizens to cast an effective and adequately weighted vote would be unconstitutionally impaired." (Emphasis added.) *Reynolds v. Sims, supra,* p. 538-539.

CONCLUSION

Under both the 64 Plan and the 63 Plan there is a substantial percentage deviation. Voters in Niobrara County cast ballots weighted as much as 3.25 of those cast elsewhere in Wyoming. The District Court found this to be de minimis.

The state legislature granted a seat in the state house based purely on a political subdivision basis and not based on population. Such a policy has violated and will continue to violate the rights of Appellants and those similarly situated in Wyoming and elsewhere.

The harm is substantial and no overriding state policy would be undermined by combining Niobrara County with a neighboring county.

The three-judge District Court established a dangerous precedent and erroneously applied outdated law. The decision must be corrected.

Appellants request the following relief:

1. The apportionment of the Wyoming State Legislature as provided by W. S. § 28-2-109(iii) and (c)(xiv) and Article 3, Section 3 of the Wyoming State Constitution be declared unconstitutional.

2. The Appellees, and each of them, as well as any and all other persons acting in concert with them, be forever enjoined and restrained from taking any steps in the furtherance of conduct of elections for members of the House of Representatives of the Wyoming State Legislature, in accordance with the provisions of W. S. § 28-2-109(iii) and (c)(xiv) or any Article of the Wyoming State Constitution which affords or might afford a similarly disproportionate apportionment.

3. The Court award the Appellants reasonable attorney's fees as provided for in 42 U.S.C. § 1988 and 43 U.S.C. § 1973 L(e).

4. The Court provide such other and further relief as may be necessary to give full force and effect to the determination of this Court and afford full protection and relief to Appellants.

DATED this 18th day of November, 1982.

Respectfully submitted,

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COUNSEL FOR APPELLANTS

CERTIFICATE OF SERVICE

I, Sue Davidson, the attorney for Appellants herein, hereby certify that on the 18th day of November, 1982, I served copies of the foregoing Brief in Opposition to Motions to Affirm on the parties hereto as follows:

1. On Appellees-Intervenors, by mailing copies in a duly addressed envelope, with first-class postage prepaid, to Richard Barrett, attorney for Appellees-Intervenors, Hathaway, Speight and Kunz, One Pioneer Avenue, Suite 402, Cheyenne, Wyoming 82001.

2. On Appellees-State Officials, by mailing copies in a duly addressed envelope, with first-class postage prepaid, to Steve Freudenthal, Attorney General, State of Wyoming, Capitol Building, Cheyenne, Wyoming 82002, attorney for Appellees-State.

/s/SUE DAVIDSON
ATTORNEY FOR APPELLANTS

STATE OF WYOMING)
) ss.
COUNTY OF LARAMIE)

The foregoing Certificate of Service was acknowledged before me this 18th day of November, 1982, by SUE DAVIDSON.

Witness my hand and official seal.

/s/KELLIE A. ERICKSON
NOTARY PUBLIC

My Commission Expires September 11, 1983.